IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

CIVIL APPLICATION NO.3514 OF 2001.

IN

FIRST APPEAL ST.NO.6447 OF 1998.

The State of Maharashtra : Applicants.

versus

Shri Shamrao Ishwara Mahind : Respondent.

Mr.K.K.Tated, AGP, for the applicants.

Mr.A.J.Chougule for the respondent.

CORAM : D.G.DESHPANDE,J.

DATED : 27th September 2005.

ORAL ORDER

1. Heard Mr.Tated, AGP, for the State and Mr.Chougule, advocate, for the respondent. This is an application for condonation of delay of 1470 days. The counsel for the respondent contended that the delay is inordinate, the explanation given is not proper and the

application should not be allowed unless the respondent is adequately compensated by costs. He conceded that the respondent has received the enhanced amount of compensation awarded by the reference court in execution of stay. In view of this statement, the explanation given is accepted. Civil application is allowed. Delay is condoned subject to payment of costs of Rs.7000/-. Costs to be paid within eight weeks from today. Payment of costs is a condition precedent. Costs to be paid by the appellant/State to the advocate for the respondent by cheque. Put up the appeal for admission thereafter.

[D.G.DESHPANDE,J]